

ASSEMBLY BILL

No. 683

Introduced by Assembly Member Morrow

February 26, 1997

An act to amend Sections 20142, 20395, 20455, and 21551 of the Public Contract Code, relating to public works contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 683, as introduced, Morrow. Public works contracts: change orders.

Existing law sets forth the procedures pursuant to which changes or additions may be made in the work being performed under local construction contracts, county highway contracts, local contracts for works of improvement, and drainage district construction contracts. Under these provisions, for contracts whose original cost exceeds \$250,000, the extra cost for any change or addition to the work so ordered may not exceed \$25,000 plus 1% of the amount of the original contract cost in excess of \$250,000, and in no event may any such change or alteration exceed \$100,000.

This bill would, instead, specify that, for those contracts, the extra cost for any change or addition to the work so ordered may not exceed \$25,000 plus 5% of the amount of the original contract cost in excess of \$250,000, and in no event may any such change or alteration exceed \$150,000.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 20142 of the Public Contract
2 Code is amended to read:

3 20142. (a) The board of supervisors may, by
4 ordinance, resolution, or board order, authorize the
5 county engineer, or other county officer, to order
6 changes or additions in the work being performed under
7 construction contracts. When so authorized, any change
8 or addition in the work shall be ordered in writing by the
9 county engineer, or other designated officer, and the
10 extra cost to the county for any change or addition to the
11 work so ordered shall not exceed five thousand dollars
12 (\$5,000) when the total amount of the original contract
13 does not exceed fifty thousand dollars (\$50,000), nor 10
14 percent of the amount of any original contract ~~which~~ *that*
15 exceeds fifty thousand dollars (\$50,000), but does not
16 exceed two hundred fifty thousand dollars (\$250,000).

17 (b) For contracts whose original cost exceeds two
18 hundred fifty thousand dollars (\$250,000), the extra cost
19 for any change or addition to the work so ordered shall not
20 exceed twenty-five thousand dollars (\$25,000), plus + 5
21 percent of the amount of the original contract cost in
22 excess of two hundred fifty thousand dollars (\$250,000).
23 In no event shall any such change or alteration exceed
24 one hundred ~~fifty~~ thousand dollars ~~(\$100,000)~~ *(\$150,000)*.

25 SEC. 2. Section 20395 of the Public Contract Code is
26 amended to read:

27 20395. In any county ~~which~~ *that* has appointed a road
28 commissioner pursuant to Section 2006 of the Streets and
29 Highways Code, the board may authorize the road
30 commissioner to have any work upon county highways
31 done under his or her supervision and direction. The
32 work may be done in any of the following ways:

33 (a) By letting a contract covering both work and
34 material. In that event, the contract shall be let to the
35 lowest responsible bidder as provided in this article.

36 (b) By purchasing the material and letting a contract
37 for the performance of the work. In that event, the
38 material shall be bought at the lowest possible cost and



1 the contract let to the lowest responsible bidder as
2 provided in this article.

3 (c) By purchasing the material and having the work
4 done by day labor, in which case advertising for bids is not
5 required.

6 (d) (1) By authorizing the county road commissioner
7 to execute changes for any such contract in an amount not
8 to exceed five thousand dollars (\$5,000) for contracts of
9 fifty thousand dollars (\$50,000) or less, or 10 percent for
10 contracts over fifty thousand dollars (\$50,000) but not to
11 exceed two hundred fifty thousand dollars (\$250,000). In
12 no event shall any such change exceed a net total addition
13 of twenty-five thousand dollars (\$25,000).

14 (2) For contracts whose original cost exceeds two
15 hundred fifty thousand dollars (\$250,000), the extra cost
16 for any change or addition to the work so ordered shall not
17 exceed twenty-five thousand dollars (\$25,000), plus + 5
18 percent of the amount of the original contract costs in
19 excess of two hundred fifty thousand dollars (\$250,000).
20 In no event shall any such change or alteration exceed
21 one hundred *fifty* thousand dollars (~~\$100,000~~) (\$150,000).

22 (e) By purchasing the material and letting a contract
23 for the work or by letting a contract covering both work
24 and material without advertising for bids when the
25 estimated cost of emergency work necessitated by the
26 imminence or occurrence of a landslide, flood, storm
27 damage, or other emergency exceeds twenty-five
28 thousand dollars (\$25,000) and the public interest and
29 necessity demand immediate action to safeguard life,
30 health, or property.

31 SEC. 3. Section 20455 of the Public Contract Code is
32 amended to read:

33 20455. (a) After construction has begun, the
34 legislative body, or the superintendent of streets if
35 authorized by the legislative body, may order changes in
36 the work without the necessity of a hearing. The order
37 shall be in writing, and the amount of any change ordered
38 shall not exceed five thousand dollars (\$5,000) when the
39 total amount of the original contract does not exceed fifty
40 thousand dollars (\$50,000), nor 10 percent of the amount

1 of any original contract that exceeds fifty thousand dollars
2 (\$50,000), but does not exceed two hundred fifty
3 thousand dollars (\$250,000).

4 (b) For contracts whose original cost exceeds two
5 hundred fifty thousand dollars (\$250,000), the extra cost
6 for any change or addition to the work so ordered shall not
7 exceed twenty-five thousand dollars (\$25,000), plus ~~4~~ 5
8 percent of the amount of the original contract costs in
9 excess of two hundred fifty thousand dollars (\$250,000).
10 In no event shall any such change or alteration exceed
11 one hundred *fifty* thousand dollars ~~(\$100,000)~~ (\$150,000).

12 (c) The limitations on the cost of changes permitted by
13 this section shall not apply where (1) the change is
14 requested in writing by the owner of property subject to
15 assessment for the improvement under construction and
16 the nature of the change requested is such that the cost
17 thereof will be assessed exclusively against the property
18 of the person requesting the change, or (2) the change in
19 the work will not adversely affect the benefiting property
20 and any increase in the cost resulting from the changes
21 will be paid by the city and will not be assessed against the
22 property within the assessment district.

23 SEC. 4. Section 21551 of the Public Contract Code is
24 amended to read:

25 21551. (a) All contracts for the construction of any
26 unit of work estimated to cost over ten thousand dollars
27 (\$10,000) shall be let to the lowest responsible bidder in
28 accordance with Article 3.5 (commencing with Section
29 20120) of Chapter 1.5. If cost of the project or service will
30 not exceed ten thousand dollars (\$10,000), the district
31 may have the work done by force account. The district
32 may purchase in the open market, without advertising for
33 bid, materials and supplies for use in any work either
34 under contract or by force account.

35 (b) The board of directors may, by ordinance,
36 resolution, or board order, authorize the county engineer
37 or other county officer to order changes or additions in
38 work being performed under construction contract.
39 When so authorized, any change or addition in the work
40 shall be ordered in writing by the county engineer, or

1 other designated officer, and the extra cost for any change
2 or addition to the work so ordered shall not exceed five
3 thousand dollars (\$5,000) when the total amount of the
4 original contract does not exceed fifty thousand dollars
5 (\$50,000), nor 10 percent of the amount of any original
6 contract that exceeds fifty thousand dollars (\$50,000), but
7 does not exceed two hundred fifty thousand dollars
8 (\$250,000).

9 (c) For contracts whose original cost exceeds two
10 hundred fifty thousand dollars (\$250,000), the extra cost
11 for any change or addition to the work so ordered shall not
12 exceed twenty-five thousand dollars (\$25,000), plus ~~±~~ 5
13 percent of the amount of the original contract costs in
14 excess of two hundred fifty thousand dollars (\$250,000).
15 In no event shall any such change or alteration exceed
16 one hundred *fifty* thousand dollars ~~(\$100,000)~~ (\$150,000).

